

Panaji, 23rd February, 1978 (Phalguna 4, 1899)

SERIES I No. 47

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

14-8-72-Div. I(a)

In exercise of the powers conferred by section 5 of the Commissions of Inquiry Act, 1952 (No. LX of 1952), read with this Department Notification No. 14-8-72-Div. I dated 15-2-1978 the Administrator of Union Territory of Goa, Daman and Diu hereby directs that the provisions of sub-section (2), (3), (4), (5), (6) and (7) of the said section shall apply to the Emergency Excesses Enquiry Authority set up by the Administration of Goa, Daman and Diu under resolution No. 14-8-72-Div. I, dated 15th February, 1978.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel).

Panaji, 15th February, 1978.

#### Notification

14-8-72-Div. I(b)

Whereas, the Administration of Goa, Daman and Diu has by its resolution No. 14-8-72-Div. I dated 15-2-1978 set up the Emergency Excesses Enquiry Authority;

And whereas the Administration of Goa, Daman and Diu is of opinion that the provisions of the Commissions of Inquiry Act, 1952 (No. LX of 1952) should be made applicable to the said Authority;

Now, therefore, in exercise of the powers conferred by section 11 of the Commissions of Inquiry Act, 1952, (No. LX of 1952), the Administrator of Goa, Daman and Diu hereby, with the approval of the Central Government, directs that all the provisions of the said Act except those contained in sub-section (4) of section 3 thereof shall apply to the said authority.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel).

Panaji, 15th February, 1978.

### Corrigendum

1-6-78-Div. I

In the Schedule attached to the Notification No. 1-6-78-Div. I dated 2-2-1978 published in Official Gazette Series I No. 45 dated 9-2-1978 regarding Government of Goa, Daman and Diu Directorate of Education Group 'A' Gazetted posts Recruitment Rules, 1978, against the post of Deputy Director of Education, Column 11 may be corrected to read as —

#### "Promotion:

Educational Inspectors/Inspectors of Schools with 3 years' service in the grade rendered after appointment thereto on a regular basis and possessing a Master's Degree and Degree in Education of a recognised University or equivalent.

#### Transfer on deputation:

Officers of the Central/State Government holding analogous posts.

(Period of deputation shall ordinarily not exceed 3 years)".

By order and in the name of the Administrator of Goa, Daman and Diu.

V. J. Menezes, Under Secretary (Personnel).

Panaji, 15th February, 1978.

### Revenue Department

#### Notification

RD/LND/Rules/333/70-78

Whereas the draft amendment proposed to be made to the Goa, Daman and Diu Land Revenue (Disposal of Government Lands) Rules, 1971, was published at pg. 453 of the Official Gazette No. 41, Series I, dated 12-1-1978 of the Revenue Department Government of Goa, Daman and Diu inviting objections and suggestions from all persons likely to be affected thereby till 15 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 12th January, 1978;

And whereas no objections and suggestions received during the stipulated period;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 199 of the Goa,

Daman and Diu Land Revenue Code, 1968 (9 of 1969), the Lt. Governor of Goa, Daman and Diu makes the following rules so as to further amend the Goa, Daman and Diu Land Revenue (Disposal of Government Lands) Rules, 1971, namely:—

1. *Short title.*—These rules may be called the Goa, Daman and Diu Land Revenue (Disposal of Government Lands) (Seventh Amendment) Rules, 1978.

2. *Insertion of New Rule 10-A.*—After rule 10 of the Principal Rules, the following shall be inserted namely:—

“10-A. The Collector may subject to other provisions in this part and subject to the general or special order of the Government dispose of unoccupied land in lease-hold rights under section 26 for agricultural purposes for any period not exceeding one year at a time.”

3. *Amendment of Rule 33.*—The proviso to Rule 33 of the Goa, Daman and Diu Land Revenue (Disposal of Government Lands) Rules, 1971, (herein after called the “Principal Rules”) shall be omitted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

V. V. Mongia, Secretary (Revenue).

Panaji, 10th February, 1978.

### Notification

RD/MND/RLS/363/75

Whereas certain draft rules which the Government intends to frame under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 were published at page 75 of the Official Gazette No. 10, Series I dated 9-6-1977 under the Notification No. RD/MND/RLS/363/75-77 dated 3-6-1977 of the Revenue Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby till 15 days from the date of the publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 9-6-1977;

And whereas objections and suggestions received from the public on the said draft have been considered by the Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 40 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called The Goa, Daman and Diu Mundkars (Protection from Eviction) Rules, 1977.

(2) They shall come into force at once.

2. *Definition.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (1 of 1976);

(b) “Form” means a form appended to these rules;

(c) “Section” means a section of the Act;

(d) Words and expressions used, but not defined in these rules shall have the meanings assigned to them in the Act.

3. *Right of option by the Mundkar.*—A Mundkar desirous of exercising the right conferred on him under section 2 shall do so in writing at the time of applying to the Mamlatdar under sub-section (1) of section 16. The option once exercised shall be final.

4. *Form of application for restoration of dwelling house.*—Every application under clause (i) of sub-section (2) or sub-section (3) of Section 4 for restoration of a dwelling house shall be in Form I.

5. *Form of application and mode of enquiry in cases of threatened wrongful dispossession and restoration of supply of power or water or any customary easement.*—(1) An application under sub-section (1) of section 5 shall be in Form II.

(2) The Mamlatdar shall, on receipt of an application under sub-rule (1), hold a summary inquiry into the same in the manner prescribed under rule 16 and pass such order as he deems fit.

6. *Fixation of compensation for the loss caused to the Bhatkar.*—(1) A Bhatkar who is disturbed in the enjoyment of the adjoining property around the mundkar's dwelling house as a result of enjoyment of any right of supply or customary easement by or on behalf of the mundkar may apply to the Mamlatdar in Form III within six months from the date of such disturbance.

(2) On receipt of such application the Mamlatdar shall hold a formal inquiry into the facts of the case, as far as practicable, in the manner prescribed in rule 14.

(3) If such application is allowed, the compensation payable under sub-section (5) of section 6 shall be fixed by the Mamlatdar having regard to the same factors which are prescribed under these rules to be taken into account for determining the market value under rule 8.

7. *Form of application for eviction of the Mundkar.*—An application under sub-section (2) of section 12 shall be in Form IV.

8. *Determination of market value of the dwelling house.*—(1) The Mamlatdar shall have due regard to the following factors while determining the market value of the purchase price payable by the Mundkar for his dwelling house under sub-section (5) of section 15:

(a) the prices of similar lands prevailing in the vicinity of the locality;

(b) the location of the dwelling house as to whether falling within the jurisdiction of a village Panchayat or within an urban or in a Municipality area as the case may be;

(c) the expenses incurred by the Bhatkar, if any, towards construction of the dwelling house;

- (d) the improvements, if any, made by the Bhatkar on the dwelling house or the site where the dwelling house stands; and
- (e) any other factors which are generally taken into account in determining the market value of land under the Land Acquisition Act, 1894.

(2) Any agreement fixing the market value of the dwelling house entered into between the Bhatkar and Mundkar shall be ignored by the Mamlatdar while determining the market value under sub-rule (1).

9. *Form of application for purchase of dwelling house by the Mundkar.* — (1) An application under sub-section (1) of section 16 shall be in Form V shall contain the following particulars:

- (a) the name, age, profession and place of residence of the Mundkar and the Bhatkar;
- (b) a short description and situation of the dwelling house in respect of which the application is being made;
- (c) the nature and value of improvements, if any, made by the Mundkar;
- (d) statement whether the house, hut, or any structure with its materials belong, wholly or partly, to the Mundkar or the Bhatkar;
- (e) where the applicant Mundkar claims the benefit of the second proviso to sub-section (3) of section 15, a statement to that effect containing facts in support of the claims;
- (f) a statement whether the applicant is willing to pay the purchase price in instalments or in lumpsum;
- (g) a statement of exercise of option contemplated under clause (i) of Section 2; and
- (h) a list of the applicant's documents, if any, and of his witnesses and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of the hearing.

(2) Every application under sub-rule (1) shall be supported by a certificate of the extract of the register maintained under section 29 showing that the applicant's name is entered in such register as Mundkar of the dwelling house in respect of which the application is made.

10. *Procedure for deposit of instalments with the Mamlatdar.* — (1) The Mundkar shall deposit the instalment of purchase price with the Mamlatdar.

(2) The notice of the deposit shall also be given by the Mundkar to the Bhatkar and the amount of the deposit shall be paid to the Bhatkar on his application.

(3) The Mamlatdar shall, as far as practicable, give notice to the Mundkar of the due date for deposit of instalments at least fifteen days prior to such due date. Provided that failure to give such notice shall not exempt the Mundkar from payment of interest prescribed under sub-section (9) of section 16 of the Act.

(4) In case the person entitled to receive the purchase price or the value of the encumbrances is a private trust or endowment or a minor or a person suffering from legal disability or a limited owner, the amount shall be paid to the legal guardian of such a person or the trustees of the private trust or endowment, as the case may be.

11. *Certificate of purchase by Mundkar.* — The certificate of purchase under sub-section (8) of section 16 shall be in Form VI.

12. *Form of intimation under sub-sections (2) and (3) of Section 17.* — An intimation under sub-section (2) or (3) of Section 17 shall be sent by registered post acknowledgement due to the other party and the acknowledgement receipt thereof shall be the conclusive proof of satisfaction of the requirement of such notice. A copy of such intimation shall also be sent to the Mamlatdar.

13. *Terms on which a loan may be granted under section 18.* — A loan to be granted to a Mundkar under sub-section (1) of section 18, shall be on the following terms and conditions, namely: —

- (a) the amount of loan shall not exceed seventy-five percent of the purchase price of the dwelling house and the land on which such dwelling house stands;
- (b) the amount sanctioned as loan to the Mundkar shall be paid to the Bhatkar, in adjustment of the purchase price payable by the Mundkar, after obtaining due authorization from the Mundkar;
- (c) the Mundkar shall mortgage the dwelling house and the land purchased by him to the President of India till the entire loan amount and the interest payable thereon is fully paid to the Government;
- (d) the loan shall bear an interest of six percent per annum and shall be repaid in ten equal or nearly equal annual instalments before such date as may be fixed by the Collector; the first instalment shall be payable on the expiry of one year from the drawal of the loan;
- (e) if an instalment of loan amount and the interest due thereon is not paid within the prescribed period, the Mundkar shall be liable to pay an interest of nine percent per annum at the time of such delayed payment;
- (f) the Mundkar shall not be entitled to transfer in any way his interest in the dwelling house till the loan amount and the interest due thereon is fully repaid;
- (g) if the Mundkar commits any default in payment of any instalment of the loan amount and the interest due thereon, the balance amount of the loan to be repaid shall become immediately recoverable and Government shall be entitled to sell the dwelling house in any manner deemed suitable by the Collector and the balance amount of the loan and the interest shall be recovered from the sale proceeds and the balance, if any, shall be handed over to the defaulting Mundkar.

14. *Manner of conducting enquiries.* — Subject to the provisions of the Act, the provisions of this rule shall apply to all the proceedings under the Act except in cases where summary inquiries are prescribed under these rules: —

(1) Any application to be presented to the Mamlatdar shall either be presented to him personally or to any other officer authorised by him in that behalf, in person, during office hours.

(2) Where the application does not contain any of the particulars specified in section 20 or in rule 9, as the case may be, the Mamlatdar shall forthwith examine the applicant on oath and ascertain from him such of the particulars specified in section 20 or rule 9, as the case may be, as are not clearly and correctly stated in the application and shall reduce the examination to writing in the form of an endorsement on an annexure to the application which shall thereupon be deemed to be part of the application. Where the applicant requires time to obtain any of the particulars specified in Section 20 or rule 9, as the case may be, the Mamlatdar shall grant him such time as may under the circumstances appear reasonable.

(3) When the application is presented and has, if necessary, been treated in the manner specified in sub-rule (2), the Mamlatdar shall require the applicant to subscribe and verify the application in his presence in the manner following or the like effect —

"I, A. B. the applicant, do hereby declare that what is stated in this application is true to the best of my information, knowledge and belief".

(4) The Mamlatdar shall endorse the application to the effect that it was duly subscribed and verified. Where the applicant being illiterate cannot write, the verification may be written for him in the presence of the Mamlatdar and the applicant shall affix his mark or thumb impression in token of the authenticity of the verification and the Mamlatdar shall record that the verification was made in his presence at the request of the applicant and that his mark or thumb impression was so affixed.

(5) The Mamlatdar shall reject an application: —

(a) Where the applicant declines to make a statement on oath under sub-rule (2); or

(b) Where the applicant is willing to make or has made a statement on oath under sub-rule (2) but fails to furnish the particulars specified in Section 20 or rule 9, as the case may be, within the time fixed under sub-rule (2); or

(c) Where it appears upon the face of the application —

(i) that the property or the relief claimed is not one of the kinds specified in the Act; or

(ii) that the application is barred by limitation;

(d) Where the applicant declines to subscribe or verify the application as required by sub-rule (3) or (4).

(6) Where it appears to the Mamlatdar that the subject of the application is not within his jurisdiction he shall return the application to the concerned

party to be presented before the Competent authority having jurisdiction.

(7) Where the application is admissible, the Mamlatdar shall receive the same. He shall then fix a convenient day and place for trial of the case and shall issue, at the expenses of applicant, notice in the Form VII to the opponent. He shall require the applicant to appear with his documents, if any, and summon witnesses, if any, to appear on the day and at the place fixed.

The date to be fixed for the enquiry of the case shall not be earlier than fifteen days nor later than thirty days from the day on which the notice is issued except for sufficient reason to be recorded in writing by the Mamlatdar or in cases of adjournments of the proceedings.

The place to be fixed for the enquiry of the case may be in the Mamlatdar's Office or at or near the scene of dispute or at any other spot that the Mamlatdar considers convenient.

(8) Where either party requires any witness to be summoned to appear on the day and at the place fixed the Mamlatdar shall issue a summons in Form VIII for that purpose.

Such summons shall be issued in duplicate, duly signed and sealed, and shall be served by delivering or tendering the copy to the person therein named or by sending it by registered post A.D. to his address or if such person cannot be found, then by affixing the copy to some conspicuous part of the place where he ordinarily resides or carries on business and on the Notice Board of the Mamlatdar's Office.

The Mamlatdar may issue, after recording his reasons in writing, a warrant in Form IX for the arrest of any such witness, if he fails to appear and the summons is proved to have been duly served in time to admit of his appearance in accordance therewith and no reasonable excuse is offered for such failure.

The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the rules that may from time to time be in force in regard to the attendance of witnesses in subordinate Civil Courts.

(9) Where the applicant fails to attend or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the application whether the opponent appears or not unless the opponent admits the claim.

Where the applicant attends, as required by sub-rule (7); but the opponent fails to attend and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the opponent and in sufficient time, to enable the opponent to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the application ex-parte.

Provided that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of an application or of an ex-parte decision that he was prevented by some unavoidable circumstances from attending or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case

may be, the Mamlatdar may issue a notice in Form X, at the expense of the party concerned to the opposite party and if satisfied after hearing the opposite party that the party concerned was prevented as alleged, he may re-hear the case at such time and place, as he may then fix.

Provided further that nothing in the foregoing provisions shall prevent the applicant from withdrawing his application on payment of the opponents costs. Explanation—Where there has been an appeal against an order of rejection of an application or an ex-parte decision and the appeal has been disposed of on any ground other than the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-rule.

(10) Where in the case, mentioned in sub-rule (9) the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the opponent and in sufficient time to enable the opponent to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under sub-rule (7) to the opponent.

Where any witness who has been duly summoned or for whose arrest a warrant has been issued under sub-rule (8) fails to attend on the day and the place fixed, the Mamlatdar may, if he considers there is sufficient reason after taking the evidence of those present, adjourn the hearing of the case, from time to time till the attendance of such witnesses can be enforced.

The Mamlatdar may for any other sufficient reason to be recorded, in writing adjourn the trial of the case for such time, as he thinks fit, but not ordinarily exceeding ten days.

The provisions of sub-rules (8) and (9) shall apply in respect of any day to which the trial of the case may be adjourned under this sub-rule as if such day were the day originally fixed for the trial.

(11) Subject to the provisions of the Act, a minor may sue or be sued, if he is duly represented by an natural or duly appointed guardian or next friend.

(12) The Mamlatdar may at any stage of the proceedings order that the name of any person to whom possession of the dwelling house or any part thereof may have been transferred or the addition of whom as a party appears necessary in order to enable the court effectually and completely to adjudicate upon the issues be added as an applicant or opponent as the circumstances of the case may require.

Provided that no person shall be added as an applicant without his consent.

Provided further that in respect of any person so added not being a transferee pending the case the case shall for the purpose of the Act, be deemed to have been instituted on the day, when his name was so added.

(13) In case of death of any party while the case is pending,

(a) If an application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal represen-

tative of the deceased party and subject to the provisions of the Act shall enter on record the name of such representative.

(b) If no such application is made, the case shall abate as regards that party.

(14) Where the Mamlatdar orders the name of any person to be added as opponent or enters on the record the name of any person as the legal representative of the deceased party, he shall issue to such person a notice as provided in sub-rule (7) and the trial shall proceed on the date fixed in such notice.

(15) On the date fixed or on any day to which the proceedings may have been adjourned, the Mamlatdar shall, subject to sub-rule (9) proceed to hear all the evidence that is then and there before him and to try the relevant issues.

(16) The Mamlatdar may after due notice to and in the presence of the parties summon and examine, as a witnesses, any person who has not been summoned or produced by any party and may call for and cause to be proved any document which has not been applied for or produced by either of the parties where he considers it expedient in the interest of justice so to do, and may, if he thinks fit, make a personal inspection of the property, in the presence of or after due notice to the parties. He shall without unnecessary delay, record a memorandum after hearing the parties on the spot, if present, of the relevant facts observed at such inspection. The Memorandum shall form a part of the record of the case.

#### 15. Mode of taking evidence under Rule 14.—

(a) In all inquiries under rule 14 the evidence shall be taken down in full, in writing in English in the presence and under the personal superintendence of the Mamlatdar and shall be signed by him. The Mamlatdar shall read out or cause to be read out the evidence so taken to the witness concerned in the language understood by him and obtain his signature thereto in token of its correctness.

(b) In cases in which the evidence is not taken down in full in writing as aforesaid, the Mamlatdar shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes and such memorandum shall be written and signed by the Mamlatdar with his own hand, and shall form a part of the record.

(c) If the Mamlatdar is prevented from making a memorandum as required aforesaid he shall record the reasons of his inability to do so.

Every decision of the Mamlatdar shall be, in writing, signed by him and shall contain a full statement of the grounds on which it is made.

#### 16. Manner of conducting summary inquiries.—

(1) In all summary inquiries, the Mamlatdar shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English including the material averments made by the parties

interested, the material parts of the evidence, the decision, and the reasons for the same.

(2) Where the Mamlatdar findings upon the relevant issues is in favour of the applicant, he shall make such order not being in excess of the powers vested in him by or under the Act, as the circumstances of the case appear to him to require and where his findings is in favour of the opponent he shall dismiss the case. In either case, the costs of the application including the costs of executions, shall follow the decision.

17. *Procedure for presentation and disposal of appeals and applications for revision.*—(1) Every petition for appeal or revision shall be accompanied by a certified copy of the order to which the objection is made unless the production of such copy is dispensed with.

(2) (a) Every appeal or an application for revision made under section 24 or section 25, as the case may be, shall be made in the form of a petition addressed to the appropriate authority and shall be drawn up in concise intelligible language. It shall bear the signature or thumb impression of the applicant or his duly authorised agent and shall bear a Court Fee Stamp of such value as is prescribed thereof in rule 18.

(b) The appeal or application shall contain the following particulars, that is to say—

- (i) the name of the appellant or the applicant, as the case may be;
- (ii) his father's name;
- (iii) his occupation and place of residence and address;
- (iv) the name of the respondent;
- (v) his father's name;
- (vi) his occupation and place of residence and address.

(c) The appeal or application shall also contain a brief statement of facts on which the appellant or applicant relies in support of his appeal or application, and the grounds of his objection to the order or decision against which the appeal or application is made.

(3) (a) Appeals or applications for revision may either be presented to the appropriate authority in person or be forwarded to it by post.

(b) Where an appeal or application is sent by post, the postage on the cover containing it must invariably be fully pre-paid.

(4) Non compliance with the provisions of the preceding sub-rules in any material respect may render an appeal or application liable to be summarily rejected without enquiry into its merits.

18. *Court fees to be affixed to every application, appeal or revision made under the Act.*—(1) Every application made under the Act to the Mamlatdar shall bear a court fee stamp of Rupee one.

(2) Every Memorandum of appeal or application for revision made under the Act to the Collector, the Administrative Tribunal or the Government, as the case may be, shall bear a court fee stamp of Rupees two.

Provided that when an application or appeal under sub-rule (1) or sub-rule (2) is made by a member of a scheduled caste, specified in Part III of the Schedule to the constitution (scheduled castes) Order, 1950 or of a scheduled tribe, specified in Part III of the Schedule to the constitution (Scheduled Tribes) Order, 1950 living in an area, notified by Government as backward area, the value of the court fee stamp shall be fifty per cent less.

19. *Orders.*—Every order of the Mamlatdar, whether for rejecting or returning an application or whether for allowing or disallowing a claim, shall be read out by him in open Court, either at once or on some future day, of which due notice shall be given to the parties.

20. *Mode of execution of the orders of the Mamlatdars.*—(1) An order of the Mamlatdar evicting the Mundkar from his dwelling house or restoring to him the possession or use of any land or dwelling house shall be executed in the following manner:

- (a) by serving a notice on the person or persons in possession requiring them (with such time as may appear reasonable after receipt of the said order) to vacate the land or the dwelling house, and
- (b) if such notice is not obeyed, by removing, or deputing a subordinate to remove, any person who may refuse to vacate the same, and
- (c) if the officer removing any such person is resisted or obstructed by any person, the Mamlatdar may use such force as may be necessary, with the assistance of the police.

(2) An order of the Mamlatdar restoring to the Mundkar the enjoyment of the customary easement or supply of electricity or water shall be executed in the following manner:

- (a) by serving a notice on the Bhatkar or any person acting or purporting to act on his behalf requiring him to restore to the Mundkar the enjoyment of the customary easement or supply of electricity or water (within such time as may appear reasonable after receipt of the said notice); and
- (b) if the Bhatkar or person acting or purporting to act on his behalf has had the opportunity of obeying the notice and has wilfully failed to obey it, by the attachment of his property.
- (c) where any attachment under sub-rule (b) has remained in force for six months, if the Bhatkar or the person acting or purporting to act on his behalf has not obeyed the order and the Mundkar applies to have the attached property sold, such property may be sold by public auction and out of the proceeds, the Mamlatdar may award to the Mundkar such compensation as he thinks fit, and shall pay the balance, (if any), to the Bhatkar or the person acting or purporting to act on his behalf on his application.
- (d) where the Bhatkar or the person acting or purporting to act on his behalf has obeyed the order, and paid all costs which he is bound to pay, or where at the end of six months from the date of the attach-



ment, no application, to have the property sold has been made, or if made, has been refused, the attachment shall cease.

- (e) where such order has not been obeyed, the Mamlatdar may in lieu of or in addition to all or any of the processes aforesaid direct that the act required to be done may be done, so far as practicable, by the Mundkar or some other person appointed by the Court, at the cost of the Bhatkar or person acting or purporting to act on his behalf and upon the act being done, the expenses incurred may be ascertained in such manner as the Mamlatdar may direct and may be recovered as arrears of land revenue.

21. *Procedure for preparation and maintenance of register of Mundkar under Section 29.* — (1) The Mamlatdar shall be responsible for the preparation and maintenance of the register in all villages within his jurisdiction.

(2) The Register shall be prepared and maintained in Form XI.

(3) After the order of the Mamlatdar, under sub-section (6) of section 20, for registering the Mundkar has become final or his order rejecting the application has been reversed in appeal or revision and directions are given to register the applicant as Mundkar, the name of such person shall be entered in the register of Mundkars maintained under sub-rule (2).

(4) The provisions of Sections 96 and 97 of the Goa, Daman and Diu Land Revenue Code, 1968, and rules 9 to 14 of the Goa, Daman and Diu Land Revenue (Record of Rights and Register of Cultivators) Rules, 1969 regarding reporting of Acquisition of rights and Register of mutations dealt with in those Sections and rules, shall, as far as may be, apply to the mutations of entries in the Register maintained under the Act.

#### FORM I

(See Rule 4)

Form of application for restoration of possession under clause (i) of sub-section (2) or sub-section (3) of section 4 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

To

The Mamlatdar of ...  
Name of applicant.  
Age ... Profession ... Place of residence ...  
Name of Opponent.  
Age ... Profession ... Place of residence ...

Sir,

I do hereby state that I have been evicted from the dwelling house on ... in contravention of the provisions of the Act. I am entitled to the restoration of possession of the dwelling house described below in the following circumstances.

Description of the dwelling house:

(Here state the circumstances in full including grounds in support of claim for protection as Mundkar).

The dwelling house is at present in the possession of the opponent. I apply that the possession of the said dwelling house be restored to me and/or any other appropriate relief as provided in the Act be afforded to me.

I enclose the following documents:

(Here give a list of documents, if any).

- 1.
- 2.
- 3.

The following are my witnesses. They may be summoned will be produced to attend on the day of the hearing.

Yours faithfully,

Signature of the applicant  
(Mundkar)

Place:

Date:

#### FORM II (See Rule 5)

[Form of application under section 5(1)]

To

The Mamlatdar of ...  
Name of the applicant:  
Age ... Profession ... Place of residence ...

Name of the Opponent

Age ... Profession ... Place of residence ...

Sir,

I hereby state that I am in possession of the dwelling house described below and entitled to continue in possession thereof. I apprehend that I may be dispossessed of the said dwelling house by or on behalf of the Bhatkar contrary to the provisions of the Act I apprehend that the Bhatkar may act in contravention of the provisions of sub-section (1) of Section 6 (Strike out what is not necessary).

Description of the dwelling house.

(Here state the circumstances in full including the grounds for apprehension).

I apply that the Bhatkar be directed by order to refrain from dispossessing me otherwise than in accordance with the law either by himself or through any person acting or purporting to act on his behalf. I pray that pending passing of final order an injunction be issued restraining the bhatkar from acting in contravention of sub-section (1) of Section 6.

I enclose the following documents:

The following are my witnesses. They may be summoned will be produced to attend on the day of hearing.

Yours faithfully,

(Signature of the Mundkar)

Applicant.

Place:

Date:

#### FORM III

(See Rule 6)

The Mamlatdar of ...

Name of the applicant:

Age ... Profession ... Place of residence ... Name of the Opponent.

Age ... Profession ... Place of residence ...

Sir,

I hereby state that I am the bhatkar of the dwelling house described below in respect of which the opponent is a mundkar.

The opponent in the right of enjoyment of supply or customary easement in respect of the said dwelling house has disturbed me, in the following circumstances, in the enjoyment of the adjoining portion of my property around the said dwelling house.

Description of the dwelling house:

(Here state the circumstances in full including the date of disturbance).

I apply that compensation be fixed in terms of sub-section (5) of section 6 and the opponent directed to pay the same to me.

I enclose the following documents.

The following are my witnesses who may be summoned  
to attend on the day of the hearing. will be produced

Yours faithfully,

Signature of the applicant  
(Bhatkar).

Place:

Date:

#### FORM IV (See Rule 7)

Application for eviction of mundkar under sub-section 2 of section 12 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

To

The Mamlatdar of ...

Name of the applicant.

Age ... Profession ... Place of residence ...

Name of Opponent.

Age ... Profession ... Place of residence ...

Sir,

I hereby state that I am the bhatkar of the dwelling house described below in respect of which the opponent is the mundkar. I say that in the following circumstances I am entitled for an order of eviction against the opponent from the said dwelling house.

Description of the dwelling house.

(Here state the circumstances in full indicating the grounds prescribed in sub-section (1) of section 12 of the Act and the date on which such right to eviction accrued to the applicant).

I apply that the opponent be evicted from the dwelling house and vacant possession thereof handed over to me.

I enclose the following documents:

The following are my witnesses. They may be summoned  
to attend on the day of hearing. will be produced

Yours faithfully,

Signature of the applicant  
(Bhatkar).

Place:

Date:

#### FORM V (See Rule 9)

Application for purchase of the dwelling house under sub-section (1) of section 16 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

To

The Mamlatdar of ...

Name of the applicant.

Age ... Profession ... Place of residence ...

Name of the Opponent.

Age ... Profession ... Place of residence ...

Sir,

I hereby state that I am willing to purchase the dwelling house described below occupied by me. My name as Mundkar is entered in the register maintained under section 29 of the Act for the Village of ... Taluka under No. ....

(Here state all particulars as prescribed under Rule 9)

I apply that the purchase price be fixed in accordance with the rules prescribed and that orders under sub-section (3) of section 16 be passed on my application.

Yours faithfully,

Signature of the applicant  
(Mundkar)

Place:

Date:

#### FORM VI (See Rule 11)

Form of Certificate of purchase under sub-section (8) of section 16 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Whereas Shri ... son of ... resident of Village ... Taluka ... District ... has applied that a certificate of purchase be issued to him in accordance with sub-section (8) of section 16 of the Act; whereas the order of Mamlatdar of ... Taluka No. ... Dated ... under sub-section (3) of section 16 has become final and the applicant has deposited the last instalment of the purchase price/or has deposited the purchase price in a lump sum.

It is hereby certified that the above said Shri ... has been declared purchaser of the property specified below and the said property is transferred to the purchaser free from all encumbrances imposed on it, and all grants and contracts made in respect of it by any person other than the purchaser.

Village	Survey No. and Sub-Div. No.	Area	Assessment	Name of the recorded occupant or owners	Amount for which purchased
(1)	(2)	(3)	(4)	(5)	(6)

Given under my hand and the seal of this Office.

Collector

Date:

Seal of

Office

#### FORM VII (See Rule 14)

Notice to be issued to the opponent under sub-rule (7) of rule 14 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Rules, 1977.

Seal of the Court

In the Court of the Mamlatdar of ...

Applicant: —

V/s.

Opponent(s): —

To

Opponent(s) (name, age, profession and place of residence)

Whereas (here enter the name, age, profession and place of residence of the applicant) has made an application in this Court against you, a copy of which is enclosed herewith.

You are hereby summoned to appear in this Court at ... (Here mention the place) in person or by duly authorised agent on the ... day of ... 19 ... , at ... o'clock to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance as aforesaid on the date and time mentioned above, the application will be heard and determined in your absence.

Given under my hand and the seal of the Court, this ... day of ... 19 ...

MAMLATDAR



## FORM VIII

(See Rule 14)

Summons to be issued to a witness under rub-rule (8) of rule 14 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Rules, 1977.

(Seal of the Court)

No. of the case ...

In the Court of Mamlatdar of ...

1. ... Applicant(s)

V/s.

2. ... Opponent(s)

To

(Name, age, profession and place of residence of witness).

Whereas (here enter the name, age, profession and place of residence of the applicant) has made an application in this Court against (here enter the name, age, profession and place of residence of the opponent).

(Here state the particulars of the application) and whereas your attendance is required to give evidence on behalf of the... in the above case; you are hereby required personally to appear before this Court at... (here mention the place) on the... day of... at... o'clock and to bring with you or to send to this court (here give the name of the document(s), the witness is required to produce).

You are hereby required to take notice that in default of such appearance at the above mentioned dates... time and place without reasonable excuse, you shall be subject to consequences of non-attendance laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Court, this... day of ... 19.

MAMLATDAR

Note: If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons, if you cause said document to be produced in this Court on the day and hour aforesaid.

## FORM IX

(See Rule 14)

Warrant of arrest to be issued in respect of a witness under sub-rule (8) of rule 14 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Rules, 1977.

(Seal of the Court).

No. of the case.

In the Court of the Mamlatdar of

1 ... Applicant(s)

V/s.

1 ... Opponent(s)

To

Whereas (here give the name, age, profession and place of residence of the witness) had failed to appear in this court

## FORM XI

(See Rule 21)

Register of Mundkars

Name of Revenue Village ...

Survey No. and Sub-Division No.	Other particulars and description	Location of the dwelling house	The name and address of the bhatar.	The name and address of the Mundkar	The nature and extent of service rendered to the bhatar or the amount of ground rent if any said	The occupation of the mundkar	Rights referred to under Section 6	Area of the structures in the occupation of Mundkar as on the appointed day	Distance between the outer walls of the dwelling house of the mundkar and of the bhatar or between the outer walls of the dwelling house of the mundkar and of the dwelling house or houses of one or more mundkars; as on the appointed date	Total area of the holding of which the dwelling house forms part and Total No. of mundkars having dwelling houses on such holding, as on the appointed date	No. and date of certificate of purchase issued to the mundkar
1	2	3	4	5	6	7	8	9	10	11	12

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

V. V. Mongia, Secretary (Revenue).

Panaji, 14th February, 1978.

in obedience to the summons issued by this Court, which summons was duly served on him, and no reasonable excuse for such failure has been offered by him, you are hereby ordered to arrest the said ... and to produce him before this Court on the day of ... at ... o'clock.

You are further ordered to return this warrant on or before the ... day of ... with an endorsement certifying the day on and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of this Court, this ... day of ... 19

MAMLATDAR

Note: If the said ... gives a personal bond of Rs. ... with one surety for the like amount to attend before this Court on the day ... of 19... he may be released forthwith.

MAMLATDAR

## FORM X

(See Rule 14)

Notice to be issued under sub-rule (9) of rule 14 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Rules, 1977.

(Seal of the Court).

No. of the Case.

In the Court of the Mamlatdar of ...

... Applicant(s).

V/s.

... Opponent(s).

To

The applicant or the opponent (as the case may be).

Whereas in the above case, an ex-parte order was passed or an application was rejected by this Court on the ... day ...

And whereas the applicant(s) has/have on the ... day of ... opponent

applied to this Court to rehear the case on the grounds specified in the application a copy of which is enclosed herewith.

This is to give you notice that the said application will be heard and determined on the ... day of ... at ... o'clock at ... (here mention the place) ... and you are hereby required to take notice that in default of your appearance personally or by duly authorised agent at the said time and place, the application will be heard and determined in your absence and if granted, a time and place for re-hearing the case will be then fixed.

Given under my hand and the seal of the Court, this day of ... 19...

MAMLATDAR

## Industries and Labour Department

## Notification

LD/1909/72-73

The following draft Rules which the Government of Goa, Daman and Diu proposes to make under Section 35 of the Contract Labour (Regulation and Abolition) Act, 1970, (Central Act 37 of 1970) so as to further amend the Contract Labour (Regulation and Abolition) Rules, 1972 are hereby published for general information. Notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of 30 days from the date of publication of this notification in the Official Gazette.

Objections and suggestions, if any, may be sent to the Secretary, Government of Goa, Daman and Diu, Industries and Labour Department, Secretariat, Panaji, within 30 days of the publication of this Notification so that they may be taken into consideration at the time of finalisation of the rules.

## DRAFT RULES

In exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), the Government of Goa, Daman and Diu hereby makes the following Rules so as to further amend the Goa, Daman and Diu Contract Labour (Regulation and Abolition) Rules, 1972, namely: —

1. *Short title and commencement.* — (1) These rules may be called the Goa, Daman and Diu Contract Labour (Regulation and Abolition) (Second Amendment) Rules, 1978.

(2) They shall come into force at once.

2. Amendment of Rule 3. — For Rule 3 of the Contract Labour (Regulation and Abolition) Rules, 1972, the following shall be substituted namely: —

"3. The Board shall consist of the following members, namely: —

- a) Chairman to be appointed by the Government;
- b) Labour Commissioner/ex-Officio;
- c) One representative from amongst the employers of Barge Repair Industry;
- d) One representative from amongst the employers in building construction Industry;
- e) The Chairman of the Goa Mineral Ore Exporters' Association, Panaji;
- f) Chairman, Goa, Daman and Diu Housing Board, Panaji;
- g) One workers' representative from AITUC;
- h) One workers' representative from INTUC;

- i) One workers' representative from CITU;
- j) One workers' representative from HMS;
- k) Chief Engineer, Public Works Department;
- l) Chief Electrical Engineer;
- m) Director of Industries, Panaji.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary, Industries and Labour.

Panaji, 13th February, 1978.

## Law Department (Legal Advice)

## Notification

LD/605/78

The following Notification received from the Government of India, Ministry of Labour New Delhi is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 14th February, 1978.

## GOVERNMENT OF INDIA

(BHARAT SARKAR)

## MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

Dated New Delhi, the 11th Jan., 1978

## Notification

S. O.: — In exercise of the powers conferred by clause (a) of Section 19 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government, hereby, directs that the power exercisable by it under sub-section (2) of Section 5D of the aforesaid Act shall also be exercisable by the Central Provident Fund Commissioner in respect of Officers whose maximum monthly salary is not more than twelve hundred rupees and not less than five hundred rupees.

(No. A-36019(2)/77-PFI)

Sd/-

S. S. SAHASRANAMAN

Deputy Secretary